



Borough of Middlesex
Mayor and Council Regular Meeting
~ Minutes ~

1200 Mountain Ave
Middlesex, NJ

Linda Chismar
732 356-7400 x238
www.middlesexboro-nj.gov

Tuesday, July 25, 2023

7:00 PM

Municipal Building

MAYOR'S STATEMENT

UNDER THE PROVISIONS OF N.J.S.A. 10:4-6 ET SEQ., NOTICE OF THE TIME AND PLACE OF THIS MEETING WAS GIVEN BY WAY OF AN ANNUAL MEETING NOTICE TO THE STAR LEDGER, COURIER NEWS AND HOME NEWS, AND POSTED AT BOROUGH HALL.

SALUTE TO FLAG

ROLL CALL

Mayor John Madden
Council President Michael Conahan
Councilman Jeremiah Carnes
Councilman Robert Dessino
Councilman Jack Mikolajczyk
Councilman Martin Quinn
Councilman Douglas Rex

Also Present:

Michael LaPlace Administrator
Christopher Corsini Borough Attorney

Others Absent:

APPOINTMENTS

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 215-2023

**HIRING PROBATIONARY POLICE OFFICER JOSEPH CENTOLA AT AN ANNUAL
SALARY OF \$50,913.00 EFFECTIVE JULY 25, 2023**

WHEREAS, Joseph Centola has successfully completed the background investigation, psychological and medical examination required for the position of a Probationary Police Officer in the Borough of Middlesex; and

WHEREAS, Chief Geist is recommending that Joseph Centola be appointed to the position of Probationary Police Officer effective July 25, 2023 at an annual salary of \$50,913.00.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. Joseph Centola is hereby appointed a Probationary Police Officer for the Borough of Middlesex effective July 25, 2023 at an annual salary of \$50,913.00.
2. This resolution shall take effect immediately.

Mayor Madden stated that Joseph is currently a police officer recruit in the Atlantic County Police Academy and will complete his Basic Course for Police Officers on September 28, 2023.

Joseph attended Towson University in Maryland, where he earned a Bachelor of Science degree in Sociology with a concentration in criminal justice. Joseph resides in Monmouth County, New Jersey, with his family.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

PROCLAMATIONS

1. Proclamation in Honor of Antonio "Tony" Sasso

WHEREAS, Antonio "Tony" Sasso served the Borough of Middlesex as a faithful volunteer for over 20 years in various capacities such as being a member of the Office of Emergency Management, and an original member of the Hometown Day Committee, Beautification Committee and 911 Committee; and

WHEREAS, Tony joined the Office of Emergency Management in the year 2000 after seeing a need for help following Hurricane Floyd in 1999; and

WHEREAS, Tony's motivation and accomplishments enabled him to achieve the rank of Captain in the Office of Emergency Management; and

WHEREAS, Tony was recognized by Governor Christie for his vital contributions and relief efforts to his community during Hurricane Irene; and

WHEREAS, Tony obtained the necessary training to become a member of the Fire Police and diligently performed those duties for the Middlesex Fire Department when needed; and

WHEREAS, Tony reconstructed the September 11th monument in memory of the September 11, 2001 disaster, which is housed in Borough Hall; and

WHEREAS, Tony constructed many holiday decorations for the Borough to enjoy, such as the Christmas sled, and snowflakes that adorned our streets, and

WHEREAS, for many years Tony was known to recreate the dropping of the New Year's Eve Ball in front of his residence on New Year's Eve for all to enjoy; and

WHEREAS, Tony has been a great asset to the Borough of Middlesex and his retirement will cause a hole in our organization which will be difficult to fill.

NOW THEREFORE, I, John L. Madden, Mayor of Middlesex Borough, County of Middlesex, State of New Jersey, along with the Middlesex Borough Council and on behalf of the citizens of Middlesex, wish to thank and honor Mr. Tony Sasso for his long and dedicated service to the Borough and to the Office of Emergency Management, by presenting to him this Proclamation and hereby set my hand and the Seal of the Borough of Middlesex to be affixed on this 25th day of July 2023.

Councilman Mikolajczyk read the Proclamation in honor of Antonio "Tony" Sasso.

PRESENTATIONS

1. Library Director - Chrissy George - Legacy Lawn/Veteran's Appreciation Project

Chrissy George, Library Director, made the following comments on the Legacy Lawn Project Presentation:

The Library will be partnering with the American Legion to create a living tribute to honor Middlesex residents who have served, or are in active duty currently.

From November 11 to December 11, lawn signs with each veterans' names, picture, branch, rank of service, and any awarded medals or accomplishments, will be displayed on the Library's lawn.

This will be a project that the Library will maintain and manage every year and will allow for additional applicants to submit to the a part of the Legacy Lawn. This project will bring education surrounding the history of the U.S., work with the American Legion to bring visibility and attention to the organization and honor the bravery of the men, women and families who have kept our Country safe.

Library stall will install the lawn signs with metal H-brackets. Corrugated plastic signs will be used due to their heavy duty durability and are much more cost effective to print and continue to do so in the future. Since this program will have use of the lawn during the month of November, limited lawn maintenance will be needed.

The display dates will coincide with Pearl Harbor Day and the American Legion's Annual Post Everlasting Remembrance Ceremony.

The Library staff will initiate, manage and maintain the project. The Library is an institution that will not fold due to low volunteer rates. If this project comes to fruition, the Library can dedicate a portion of its future Public Program/Community Outreach budgets to maintain costs for additional signs that will be needed and address appropriate staffing to install and look after the signs.

ORDINANCE(S) FOR INTRODUCTION

Borough Clerk Linda Chismar read Ordinance 2097-23 by title:

ORDINANCE 2097-23

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF MIDDLESEX IN
CHAPTER 301, PARKS AND RECREATION AREAS, SECTION 301-14H, PARKING
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MIDDLESEX
THAT:**

Section 301-14H shall be amended to read as follows:

§ 301-14H Parking

- (1) Parking, stopping or standing shall be prohibited on both sides of Van Ness Drive from Bound Brook Road to its intersection with the roadway that surrounds the park and the outlet from JFK Drive.
- (2) Parking, stopping or standing shall be prohibited on both sides of the roadway that surrounds the park and horseshoe pits.
- (3) Travel parking, stopping or standing shall be prohibited on the roadway that surrounds the basketball courts, tennis court, and hockey rinks
- (4) Parking in Lots two and three shall be limited to three hours Monday through Friday, except legal holidays.
- (5) Parking on the grass shall be prohibited.

This ordinance shall take effect upon final adoption and publication as required by law.

RESULT:	FIRST READING [UNANIMOUS]	Next: 8/22/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex	

Borough Clerk Linda Chismar read Ordinance 2098-23 by title:

ORDINANCE 2098-23

**AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY KNOWN AS BLOCK 278,
LOTS 60 & 61 ON THE MIDDLESEX BOROUGH TAX MAP AND LOCATED ON DRAKE
AVENUE TO THE UNITED STATES DEPARTMENT OF THE ARMY CORPS OF
ENGINEERS**

WHEREAS, the Borough is the fee simple owner of two parcels of land known as Lots 60 and 61 within Block 278 on the Middlesex Borough tax map, located on Drake Avenue ("property"), which are pair of lots currently known as the "Daisy Park" totaling 0.34 acres; and

WHEREAS, the Borough of Middlesex has engaged with the United States Department of the Army Corps of Engineers ("USACE") for planned construction activities associated with the Green Brook Flood Risk Management Project; and

WHEREAS, the Borough has the right to receive just compensation for the sale of properties for improvements associated with the project and has negotiated a price with the USACE for the sale of Block 278, Lots 60 and 61 for the combined price of \$19,700.00; and

WHEREAS, the conveyance of these properties will result in the protection of local residents from recurring flooding; and

WHEREAS, the attached parcels of property are not currently needed for the Borough's public use and are better utilized for the public use of the USACE pursuant to N.J.S.A. 40A:12-13(b)(1);

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Middlesex, in the County of Middlesex and State of New Jersey, that the property be and is hereby offered for sale, subject to all restrictions and limitations of record or as may be found to exist on the property, to the USACE per N.J.S.A. 40A:12-13(b)(1), as more specifically delineated below:

SECTION I.

Part A **Existing Facts**

1. The Borough is the fee simple owner of Block 278, Lots 60 and 61 on the Middlesex Borough Tax Map, located on Drake Avenue;
2. The lots in question, as shown on the tax map, are in aggregate approximately 0.34 acres and largely undeveloped;
3. Pursuant to N.J.S.A. 40A:12-13(b)(1), the Borough may convey the property at private sale to a governmental agency, notably the USACE;
4. The subject property is not needed for public use;
5. The fair market value of the subject property, as determined in the formula set forth from the Tax Assessor, is \$19,700.00;

Part B **Sale Pursuant to N.J.S.A. 40A:12-13(b)(1)**

6. The subject property, pursuant to N.J.S.A. 40A:12-13(b)(1), is hereby offered for sale to the USACE as outlined above;
7. The minimum price for which the subject property shall be is set forth above;
8. This offer of sale, as reflected in this Ordinance, shall be pursuant to N.J.S.A. 40A:12-13(b)(1):
 - a) This Ordinance and Public Notice shall be posted in the Borough Hall, located at 1200 Mountain Avenue, Middlesex, N.J. 08846
 - b) The notice to sell shall be placed as an advertisement in a newspaper circulating in the Borough in which the subject is property is situated, namely, the Courier News

- c) Both the posting and the advertisement shall occur within five days following the date of the enactment of this Ordinance;
9. Offers to purchase the property may be made by additional offerors within a period of twenty (20) days following the advertisement set forth hereinabove. Said offer shall be made for not less than the minimum price set forth above;
10. Pursuant to N.J.S.A. 40A:12-13(b), the Borough, having offered the property for private sale, will file, with the Director of the Division of Local Government Services in the Department of Community Affairs, sworn affidavits verifying the publication of the advertisement referenced in paragraph 8 above;
11. The highest offer made above the minimum price as set forth above, consistent with the terms of this Ordinance, shall be accepted and a closing of title will be required within sixty (60) days after the offer is accepted. Should a closing not occur during that timeframe, for any reason related directly or indirectly to the offer or, the Borough shall have the right to terminate the sale.

SECTION II.

This Ordinance shall take effect upon final passage and publication according to law.

SECTION III.

All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV.

If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause, or provision, and the remainder of this Ordinance shall remain valid and effective.

RESULT:	FIRST READING [UNANIMOUS]	Next: 8/22/2023 7:00 PM
MOVER:	Michael Conahan, Council President	
SECONDER:	Jack Mikolajczyk, Councilman	
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex	

ORDINANCE(S) FOR PUBLIC HEARING AND FINAL ADOPTION

Borough Clerk Linda Chismar read Ordinance 2095-23 by title:

ORDINANCE 2095-23

BOND ORDINANCE PROVIDING VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$1,926,350

THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,359,350 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Middlesex, in the County of Middlesex, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$1,926,350, said sum being inclusive of all appropriations heretofore made therefor, including the sum of \$492,000 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT), and \$75,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,359,350, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the following:

i) acquisition of various equipment for the Police Department, including, but not limited to, a police sport utility vehicle (SUV) with equipment, a portable radar and remote controls, portable radio microphones, tasers with cameras and related equipment, ballistic shields and helmets, traffic safety signs and equipment, a major disaster enclosed trailer, a speed feedback trailer, and rescue vehicle equipment, with a total appropriation and estimated cost of \$266,926, estimated amount of bonds and notes therefor of \$252,647, and an average period of usefulness of five (5) years;

ii) equipment maintenance and acquisitions for the Fire Department, including, but not limited to, a replacement truck, turnout/bunker gear, a thermal imaging camera, records management software setup/installation, trailer lights and lettering, engine repainting, two (2) air compressors, and a full-matrix mini message center, with a total appropriation and estimated cost of \$161,381, estimated amount of bonds and notes therefor of \$153,212, and an average period of usefulness of five (5) years;

iii) acquisition of a welder and various vehicles for the Road Department, with a total appropriation and estimated cost of \$76,600, estimated amount of bonds and notes therefor of \$72,520, and an average period of usefulness of 6.33 years;

iv) acquisition of various park equipment and improvements to Mountainview Park, including, but not limited to, replacement fencing, basketball and tennis court resurfacing, new pickleball courts, and replacement benches, tables, and garbage cans,

with a total appropriation and estimated cost of \$97,029, estimated amount of bonds and notes therefor of \$91,927, and an average period of usefulness of 13.42 years;

v) acquisition of various equipment for the Department of Senior & Disabled Services, including, but not limited to, a non-passenger vehicle, chairs, and collapsible tables, with a total appropriation and estimated cost of \$39,834, estimated amount of bonds and notes therefor of \$37,792, and an average period of usefulness of five (5) years;

vi) various equipment acquisitions and upgrades for the Recreation Department, including, but not limited to, soccer goals/nets, a Christmas display/tree lighting, playground equipment upgrade, movable pedestrian fencing/barricades, backstop replacement at Mauger Fields, locked equipment boxes, and dog park equipment, with a total appropriation and estimated cost of \$59,751, estimated amount of bonds and notes therefor of \$56,690, and an average period of usefulness of 12.35 years;

vii) various acquisitions for and improvements to the Public Library, including, but not limited to, new computers for staff, replacement of existing non-tempered glass windows with tempered glass windows, new lighting in the children's section, and awnings over exterior doorways, with a total appropriation and estimated cost of \$27,575, estimated amount of bonds and notes therefor of \$26,046, and an average period of usefulness of 12.04 years;

viii) various acquisitions and improvements for the Buildings and Grounds Department, including, but not limited to, building maintenance, rooftop heating, ventilation, and air conditioning (HVAC) units for various Borough buildings, lighted sign replacement and asphalt/curb improvements at Police Headquarters, and a building generator for the Municipal Building, with a total appropriation and estimated cost of \$270,658, estimated amount of bonds and notes therefor of \$256,375, and an average period of usefulness of 14.53 years;

ix) road improvements to Douglass Lane, Rutgers Lane and Princeton Drive, including, but not limited to, milling and overlay, with a total appropriation and estimated cost of \$576,770 including said \$492,000 grant funds expected to be received from the NJDOT, estimated amount of bonds and notes therefor of \$80,181, and an average period of usefulness of twenty (20) years;

x) tree inventory digital mapping for the Shade Tree Commission, with a total appropriation and estimated cost of \$30,642, estimated amount of bonds and notes therefor of \$29,110, and an average period of usefulness of five (5) years;

xi) various information technology (IT) equipment acquisitions and upgrades, including, but not limited to, new computers, an uninterruptible power supply (UPS) for the Municipal Building, and door access system upgrade software and installation, with a total appropriation and estimated cost of \$99,585, estimated amount of bonds and notes therefor of \$94,481, and an average period of usefulness of 6.69 years;

xii) acquisition of a jet vac truck for the Sewer Department, with a total appropriation and estimated cost of \$40,857, estimated amount of bonds and notes therefor of \$38,814, and an average period of usefulness of twenty (20) years; and

xiii) acquisition of a hydro rake boat and a land stability/erosion plan for Victor Crowell Lake, with a total appropriation and estimated cost of \$178,742, estimated amount of bonds and notes therefor of \$169,555, and an average period of usefulness of five (5) years,

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,359,350, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$1,926,350, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$1,926,350 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$75,000 down payment for said purposes, and the sum of \$492,000 grant funds expected to be received from the NJDOT.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 9.31 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,359,350 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$350,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Madden opened the Public Hearing on Ordinance No. 2095-23.

The public made the following comments:

Rich Thomasey, 109 Greene Ave, expressed his concern over the proper advertisement and circulation of the budget, stating the need for community involvement. He also commented that the Council should always consider if money spent is the responsible thing to do.

Frank Ryan, 303 Maple Street, expressed his support of the budget and asked the Council to spend

wisely.

Seeing that there were no further public comments, Mayor Madden closed the Public Hearing on Ordinance No. 2095-23.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

Borough Clerk Linda Chismar read Ordinance 2096-23 by title:

ORDINANCE 2096-23

ORDINANCE OF THE BOROUGH OF MIDDLESEX, IN THE COUNTY OF MIDDLESEX, NEW JERSEY APPROVING THE ASSIGNMENT OF A FINANCIAL AGREEMENT FROM CP MIDDLESEX URBAN RENEWAL LLC TO 245 MOUNTAIN AVE. URBAN RENEWAL LLC

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Act**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Act confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Act, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the Borough of Middlesex, in the County of Middlesex, New Jersey (the “**Borough**”) has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Act; and

WHEREAS, in full accordance with all applicable provisions of the Act, the Borough adopted the Lincoln Boulevard Redevelopment Plan (the “**Redevelopment Plan**”) for the revitalization and redevelopment of Lincoln Boulevard and Mountain Avenue, which Redevelopment Plan consists of Block 318, Lots 1.01, 4.02 (a/k/a Block 371, Lot 4.02), 21, 38.01, 43, 44, 45, 48 and Block 319, Lots 23, 24, 26, 28, 45 and 47 on the tax maps of the Borough (the “**Redevelopment Area**”); and

WHEREAS, CP Middlesex Urban Renewal LLC, a New Jersey limited liability company (the “**Redeveloper**”), has agreed to develop a portion of the area in the Redevelopment Plan and designated as Block 318, Lot 1.02, which was formerly designated as Lots 4.02 (a/k/a Block 371, Lot 4.02), 38.01 and 48 on the tax maps of the Borough (the “**Project Area**”);

WHEREAS, the proposed project to be constructed in the Project Area will consist of a warehouse building with related improvements (the “**Project**”);

WHEREAS, in order to enhance the economic viability of and opportunity of the Project, the Borough and the Redeveloper entered into that certain Financial Agreement, dated January 11, 2021 (the “**Financial Agreement**”), which governs payments made to the Borough in lieu of real estate taxes on the Project pursuant to the Long Term Tax Exemption

Law, N.J.S.A. 40A:20-1 et seq. (the “**Tax Exemption Law**”); and

WHEREAS the Redeveloper desires to assign, convey, set over and transfer to 245 Mountain Ave. Urban Renewal LLC, a New Jersey limited liability company and urban renewal entity qualified as such pursuant to the Tax Exemption Law, all of its right, title, interest and obligations in, to and under the Financial Agreement; and

WHEREAS, the Mayor, together with counsel for the Borough, as well as the Borough Council, have reviewed the proposed assignment agreement (the “**Assignment Agreement**”), and have found that it complies with all those conditions of assignment set forth in Section 9.01 of the Financial Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Middlesex as follows:

Section 1. The Borough hereby consents to the assignment of the Financial Agreement to 245 Mountain Ave Urban Renewal LLC, and the Assignment Agreement, a copy of which is annexed hereto, is hereby approved.

Section 2. The Mayor and the Clerk are hereby authorized and directed to take all action necessary, if any, to cause the execution and effectuation of the Assignment.

Section 3. If any part of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 4. This ordinance shall take effect in accordance with law.

Mayor Madden opened the Public Hearing on Ordinance No. 2096-23. Seeing that there was no public participation, Mayor Madden closed the public hearing on Ordinance No. 2096-23.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

ADOPTION OF MINUTES

1. Approval of the June 27, 2023 Regular & Executive Meeting Minutes

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

MAYOR'S REPORT

Mayor Madden made the following comments:

There has been a lot of concern regarding the delay and ultimate stoppage of the flood mitigation project in our Borough going on now for two years. Unfortunately, with such a crucial project there seems to be a

breakdown of communication. I believe that Middlesex Borough must be recognized as an important member of this Commission to complete the project as planned and in a timely manner.

I recently spoke with the Chair of the Green Brook Flood Control Commission, Ray Murray to get answers.

There are several "holdouts", causing the enormous delay of the project. One property owner in the 200 block of Pond Ave. has been unresponsive to multiple requests just to secure easement rights to go on the property. Such access is necessary for the access to remove an underground Verizon cable on the property there before proceeding with the segment. This property is now in the final stages of condemnation.

In addition, the owner of a nearby apartment complex is holding out due to a perceived concern over a potential liability that children will want to play on the levee once it is built.

Federal funding has been secured for quite a while.

Although the State funding match has not occurred yet, I am told that said match will not hold up the project!

It is also my understanding that if a birm is constructed along the Greenbrook between Rt. 28 following behind the High School as scheduled, will probably cause flooding in Dunellen.

I had a foundation collapse during Ida and unfortunately, the flood premiums were too expensive, so I did without about 1 year earlier. We need to get the flood protection at all costs moving again. Please consider attending this meeting - it is important.

Thank you.

COUNCIL MEMBER REPORTS

Council President Conahan

Councilman Conahan made the following comments:

- Congrats to our new officer.
- Thank you Sasso family, especially Tony for all your service.
- I am excited to see the lawn sign program the library will be running for veteran's support. Thank you, Chrissy, Kristen and the Legion for running this program.
- The OEM has partnered with the Board of Education to provide bystander training during Football games.
- Please attend the Green Brook Flood Control Commission meeting August 5th at the Legion and show support for Middlesex.

Councilman Carnes

Councilman Carnes made the following comments:

Thank you, OEM for all your hard work. Volunteers are the backbone of any community.

Thank you to all of our Volunteers, especially the members of the Parks Improvement Committee, who are in attendance tonight for all your dedicated work.

The Cultural and Heritage Committee is thriving.

Councilman Dessino

Councilman Dessino made the following comments:

The Swim Pool met on the 19th, they are 67 members down from last years membership numbers. The Pool is having continual issues with alcohol consumption, and they are still interested in installing solar panels at the facility.

The John Sweeney dedication sign has been installed at the Recycling Center.

The DPW are still waiting on the lights for the Streetscape project, the crosswalks are ahead of schedule, and the water fountain at the Dog Park should be installed very soon.

Councilman Mikolajczyk

Councilman Mikolajczyk made the following comments:

The Councilman thanked the Police for all their hard work, and asked Chief Geist to provide a mid-year update of the Police.

Chief Geist made the following comments:

- Highlights of the police report numbers for the past 6 months.
- Thank you, Mayor and Council for hiring our new officer.
- The Department is now officially up and running with Somerset County Dispatch as of July 18th with minimal issues during the transition.

Councilman Quinn

Councilman Quinn made the following comments:

- The next Board of Health meeting will be August 10th at 7pm.
- The County has yet to provide a permanent inspector for the Borough.

Councilman Rex

Councilman Rex made the following comments:

The rock snake, as of two weeks ago, had reached over 450 rocks.

ADMINISTRATOR'S REPORT

1. The Borough has formally closed on the purchase of 302 Union Avenue, a longtime automobile gas and service station site which was most recently the location of Foreign Express. It is immediately adjacent to historic Victor Crowell Park and will be added to it. There will be a comprehensive community planning process involving our park advisory committees and interested residents to develop a landscape and engineering design plan to guide the blending of the property into the existing park.
2. We just received the EcolSciences reports on the 302 Union Avenue Geophysical Survey and the Phase 2 Environmental Report for 1190 Mountain Avenue. I will send the reports to the Mayor and Council tomorrow.
3. There has been an impressive amount of street paving in Middlesex and there will be a total of 15 streets milled and paved this year. Sidewalk tripping hazards, curb and gutter drainage improvements and ADA

compliant ramps will be installed on DOT grant-funded roads such as Hazelwood, Judson, Shearn, Misty and Lonanbe.

4. Last week the Middlesex Police Department implemented a new emergency dispatch system in partnership with Somerset County. All emergency 9-1-1 calls and non-emergency calls to the MPD will be answered by a Somerset County 9-1-1 dispatcher. Non-emergency calls are routed to Somerset County if the caller dials (732) 356-1900 and presses "0."
5. With the successful hearing for and the adoption of the Capital Budget ordinance this evening, I would like to thank our CFO, Caroline Benson, all the Department Heads and the Council for working so hard on it.
6. There are 30 resolutions tonight, one of interest is 223-2023 which is to authorize the purchase and installation of new park playground equipment in Victor Crowell Park. Mostly funded from a FEMA grant, this new equipment will replace the former children's play equipment that was damaged by Storm Ida several years ago.
7. Other resolutions involve the hiring of a permanent part-time employee for the DPW (230-2023), two promotions in the police department (237-2023 and 238-2023) and the hiring of a new Fie Sub-Code Official (245-2023).
8. Last week I met with representatives of the U. S. Department of Energy and other federal and state agencies at the Middlesex Sampling Plant site just off Mountain and Wood avenues. Environmental cleanup work has been completed and final testing is under way. The Federal Government would like to transfer ownership of the land to the Borough by the end of this year.
9. Our Director of Code Enforcement and Zoning Officer reports that the new SDL Spatial Data software system should be up and running by the end of August.
10. The Bound Brook Road/Route 28 Beautification project is moving into the final phase with the anticipated installation of ornamental street lighting and benches in the project area. An ornamental fence will be constructed along the sidewalk in front of Mountain View Park.
11. Executive Session this evening - discussion of possible litigation regarding Lake Creighton and DPW personnel issues.

PRIVILEGE OF THE FLOOR

The public made the following comments:

Shannon Quinn, 154 Stout Ave, expressed her thanks to the Council for approving the Bond Ordinance stating that the money allotted for Mountain View Park will be helpful. She stated that the Parks Improvement Committee has created a sub-committee to discuss uses for the Foreign Express property, which will be July 31st. Mrs. Quinn also gave the Council an update on the Rock snake. She asked the Council if there was a timeline for the project referenced in Resolution 223-2023.

Rich Thomasey, 109 Greene Ave, stated his opinion on the purchase of new playground equipment at the smallest park within the Borough and questioned the need. He also asked the Council if the land next to Wilson Ave is a park or a parcel. Mr. Thomasey asked for clarification on Resolution 217-2023, and Resolution 225-2023. He also asked what type of training the employees of the DPW receive.

Paul Woska, 10 Third Street, thanked the Council for mentioning the Green Brook Flood Control meeting that is being held in August.

Frank Ryan, 303 Maple Street, stated that there was a need for the new officer that was hired tonight, saying that its

important to maintain a strong Police Department. He also expressed his support of the Proclamation for Tony Sasso, commenting that ceremonies and dedications like these are good for the community.

Madelyn Johnson, Lonanbe Drive, stated that the street she lives on is currently being paved, and questioned why only a select few curbs and aprons on the street were being replaced. She suggested that the Borough spend the extra money and replace them all at once. She also mentioned that she has had previous problems in front of her residence in regards to theft and lighting issues.

NEW BUSINESS/CONSENT AGENDA/RESOLUTIONS

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 216-2023

ACCEPTANCE OF STANDING REPORTS

The Governing Body hereby accepts the following Reports itemized below:

1. Appointing Fred Hoth, Lyndonna Charles and Gary D'Aloisio to the Office of Emergency Management.
2. Acceptance of the June, 2023 Police Report.
3. Acceptance of the June, 2023 Tax Totals.
4. Acceptance of Makayla Wise and Devon Rick-Bundschuh as Junior Members of Lincoln Hose for the Middlesex Fire Department
5. Shaelin Wise is eligible for ride along status.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 217-2023

APPROVAL OF THE PROFESSIONAL SERVICE AGREEMENT WITH RUTGERS UNIVERSITY EFFECTIVE JULY 1, 2023 TO JUNE 30, 2024

Approval of the Professional Service Agreement with Rutgers University effective July 1, 2023 to June 30, 2024.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 218-2023**AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTION'S ON
BLOCK 263 LOT 31.02**

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for July 25, 2023, and;

NOW THEREFORE BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

Date of Sale: 12/02/2020
Block/Lot: 263 / 31.02
Amount: \$4,356.91
Premium: \$1,300.00
Certificate: 19-00028
Payable To: Pro Cap 8 FBO Firsttrust Bank
P.O. Box 774
Fort Washington, PA 19034-0774

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 219-2023**REIMBURSEMENT OF DOG LICENSE FEE IN THE AMOUNT OF \$20.00 TO LISA
DIGRAZIA-MITCHELL, 173 WINDSONG CIRCLE, EAST BRUNSWICK NJ**

The Governing Body hereby approves the reimbursement fee for a Dog License to Ms. Lisa DiGrazia-Mitchell, 173 Windsong Circle, East Brunswick, New Jersey in the amount of \$20.00 due to the applicant applying for a license in the wrong municipality.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 220-2023**AUTHORIZING THE REFUND OF 2ND QTR. TAXES FOR BLOCK 86.04 LOT 13**

WHEREAS, the property owner of Block 86.04 Lot 13 has been granted a full Disabled Veteran Exemption as of March 28, 2023; and

WHEREAS, resolution #112-2023, dated 4/11/2023 cancelled off 2nd Qtr. taxes in the amount of \$2,794.21, and

WHEREAS, 2nd Qtr. 2023 payment was sent in error via WIRE in the amount of \$2,794.21 and posted on 4/28/2023; and

WHEREAS, there is currently a credit of \$2,794.21, on the tax account for Block 86.04 Lot 13, and,

WHEREAS, the mortgage provider has requested a refund for the error in the payment; and

WHEREAS, the property owner is entitled to a refund via the mortgage company, and;

NOW THEREFORE, a check in the amount of \$2,794.21 should be made payable to:

CoreLogic
3001 Hackberry Rd.
Irving, TX 75063

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 221-2023

**ACKNOWLEDGING THE CHANGE IN STATUS FOR CERTAIN PROPERTIES UNDER
THE SENIOR/ DISABLED PERSON/VETERAN TAX DEDUCTIONS FOR BLOCK 266,
LOT 2.03**

WHEREAS, certain Senior Citizens/Disabled Persons/Veterans were the owners of property in the Borough of Middlesex for the year 2022, and

WHEREAS, once property is sold the deduction is to be removed and/or prorated to new owner; and

WHEREAS, the property has a recorded deed date of 3/20/2023, and;

THEREFORE, the Tax Collector has disallowed the following Senior Citizen/Disabled Person/Veteran deduction for the 2023 year totaling \$195.89.

Name: MOYA, A MARCO & BENALCAZAR, JOSHUA
Block/Lot: 266 /2.03 / C0025
Amount: \$195.89
Reason: Sale of property 3/20/2023
Year: 2023

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 222-2023

APPROVING THE US GOVERNMENT AND ITS CONTRACTORS TO ACCESS VARIOUS TRACTS OF BOROUGH PROPERTY TO CONSTRUCT CERTAIN SEGMENTS OF THE GREEN BROOK FLOOD DAMAGE REDUCTION PROJECT

The Governing Body hereby approves the Mayor and Borough Clerk to execute the Department of the Army Right of Entry to access various portions of borough Property in order to commence construction of certain segments of the Green Brook Flood Damage Reduction Project. The land affected by this permit or right-of-entry is located in the State of New Jersey, County of Middlesex, and is described as Exhibit A attached hereto.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 223-2023

AUTHORIZING THE PURCHASE & INSTALLATION OF PLAYGROUND EQUIPMENT FOR VICTOR CROWELL PARK TO REPLACE THE PLAYGROUND EQUIPMENT THAT WAS DAMAGED DURING HURRICANE IDA IN AN AMOUNT NOT TO EXCEED \$68,029.19 - *Item Removed from Consent*

WHEREAS, as a member of the Educational Services Commission (ESCNJ) Cooperative Pricing System, the Governing Body of the Borough of Middlesex wishes to replacement the playground equipment for Victor Crowell Park that was damaged during Hurricane Ida under said CO-OP# 65MCESCCPS, ESCNJ 20/21-22; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Ben Shaffer Recreation is under CO-OP# 65MCESCCPS, ESCNJ 20/21-22 Cooperative Pricing System for playground equipment; and

WHEREAS, the cost for the purchase and installation of the playground equipment from Ben Shaffer Recreation is not to exceed \$68,029.19; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the appropriate Borough Officials are hereby authorized to purchase playground equipment utilizing the CO-OP# 65MCESCCPS, ESCNJ 20/21-22; and

NOW BE IT FURTHER RESOLVED, that the CFO hereby certifies that the funds in the amount not to exceed \$68,029.19 are available in Account: T-03-56-287-003-000 \$48,162.64 (Hurricane Ida FEMA Funds) & C-04-22-062-000-081 \$19,866.55 (2022 Capital - Recreation).

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 224-2023

**AUTHORIZING THE PURCHASE OF FIRE PROTECTIVE CLOTHING AND EQUIPMENT
UNDER NJ STATE CONTRACT #17-FLEET-00810 IN AN AMOUNT NOT TO EXCEED
\$30,694.38**

WHEREAS, the Fire Department of the Borough of Middlesex wishes to purchase fire protective clothing and equipment under the NJ State Contract #17-FLEET-00810; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Skylands Area Fire Equipment and Training LLC is under the NJ State Contract #17-FLEET-00810 for fire protective clothing and equipment; and

WHEREAS, the cost for the purchase of fire protection clothing and equipment is not to exceed \$30,694.38; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase fire protective clothing and equipment under NJ State Contract #17-FLEET-00810 be and is hereby approved.

The CFO hereby certifies that the funds in the amount not to exceed \$30,694.38 are available in the 2021 Fire Department Capital Budget (\$9,372.50) & 2022 Fire Department Capital Budget (\$21,321.88).

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 225-2023

**AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL FOR ENGINEERING
SERVICES FROM PS&S IN THE AMOUNT OF \$14,000.00, FOR BIDDING ASSISTANCE
AND CONSTRUCTION ADMINISTRATIVE SERVICES FOR THE REPLACEMENT OF
TWO ROOFTOP AIR HANDLING UNITS FOR THE POLICE DEPARTMENT**

WHEREAS, the governing body received a proposal from PS&S dated June 29, 2023 for

the Bidding Assistance and Construction Administrative Services for the Replacement of two (2) Rooftop Air Handling Units for the Police Department; and

WHEREAS, the proposal for this project includes:

- | | |
|---|-------------|
| 1. Bidding Assistance: | \$ 6,500.00 |
| 2. Limited Construction Administration: | \$ 7,500.00 |

TOTAL COST **\$ 14,000.00**

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey that:

1. The governing body hereby approves the proposal from PS&S, dated June 29, 2023, for the Bidding Assistance and Construction Administration Services for the Replacement of two (2) Rooftop Air Handling Units.
2. The Governing Body authorizes the Mayor to execute the proposal for Engineering Services from PS&S in the amount of \$14,000.00.
3. This resolution shall take effect immediately.

BE IT FURTHER RESOLVED, that the Chief Financial Officer hereby certifies that funds in the amount of \$14,000.00 are available in Account No. C-04-21-039-000-083 (2021 Capital - Building & Grounds).

Caroline Benson, CFO

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 226-2023

ADOPTION OF THE BOROUGH OF MIDDLESEX DEBT MANAGEMENT POLICY

The Governing Body hereby authorizes the adoption of the Borough of Middlesex Debt Management Policy which sets forth guidelines to be used in the consideration of financing of the Borough's capital needs.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 227-2023

**AUTHORIZING THE TAX COLLECTOR TO ISSUE TAX TITLE LIEN REDEMPTIONS FOR
BLOCK 256 LOT 12**

WHEREAS, pursuant to N.J.S.A. 54:5-54, a lien has been redeemed by the owners or those persons having an interest, and the purchasers of said property are legally entitled to receive redemption funds in the following specific amounts, and;

WHEREAS, the interest and payments on the following Tax Title Lien Redemptions were calculated for July 25, 2023, and;

NOW THEREFORE BE IT RESOLVED the Tax Collector is hereby authorized to issue a check to the lien holder in the following amount(s):

<u>Date of Sale:</u>	11/30/2022
<u>Block/Lot:</u>	256 / 12
<u>Amount:</u>	\$2,225.63
<u>Premium:</u>	\$2,600.00
<u>Certificate:</u>	21-00007
<u>Payable To:</u>	Evolve Bank & Trust 6000 Poplar Ave. Suite 300 Memphis, TN 38119

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 228-2023

**DECLARING THE SAVIN 816, LOCATED AT THE POLICE HEADQUARTERS AS
SURPLUS**

WHEREAS, the Borough of Middlesex Police Department has determined that the equipment listed below has been rendered obsolete, broken, and no longer serviceable or usable; and

- 1) Savin 816

WHEREAS, the Borough of Middlesex Police Department intends to dispose of said copier as replacement parts for the Savin 816 are no longer being manufactured or serviced; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Middlesex, County of Middlesex, State of New Jersey, hereby declare the non-serviceable item listed above as surplus and authorize disposal of same, effective immediately.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 229-2023

AUTHORIZING THE REFUND OF STREET OPENING PERMIT NO. 2022-011 IN THE AMOUNT OF \$1875.00 TO JAMES GRIFFITH, 211 HARRIS AVENUE, MIDDLESEX NJ

WHEREAS, James Griffith and Danielle Kadesh-Griffith were issued a street opening permit on 9/8/2022; and

WHEREAS, James Griffith deposited \$2500.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

WHEREAS, said roadway at 211 Harris Ave was inspected by Lenny Vidal DPW Supervisor and Dan Niro, Plumbing Inspector, and found to have been maintained in a satisfactory manner.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$1875.00 in favor of James Griffith, 211 Harris Ave, Middlesex, NJ 08846, for refund of Street Opening Permit No. 2022-011.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 230-2023

HIRING JOSHUA PELECH AS A PERMANENT PART TIME EMPLOYEE FOR THE DPW IN THE SANITATION DEPARTMENT EFFECTIVE JULY 26, 2023

The governing body hereby hires Joshua Pelech of Middlesex, NJ as a permanent part time employee for the DPW in the Sanitation Department effective July 26, 2023 at \$15.00 per hour, 28 hours per week, pending a satisfactory physical and background check.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 231-2023

AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE A SHARED SERVICE AGREEMENT WITH DUNELLEN FOR THE JOINT PURCHASE OF A JET VAC TRUCK FOR THE DPW

The Governing Body hereby authorizes the Mayor and Borough Clerk to execute the Shared Services Agreement with Dunellen Borough for the joint purchase of a Jet Vac truck for their respective Sewer Departments in the amount of \$547,633, with each municipality paying \$273,816.50 for this truck.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 232-2023

APPROVAL OF THE CORRECTIVE ACTION PLAN ON THE 2022 AUDIT

The Governing Body hereby approves and accepts the Corrective Action Plan on the 2022 Audit, according to Local Finance Board Directive 92-15.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 233-2023

AUTHORIZING THE TAX COLLECTOR TO WAIVE AND ADJUST SEWER BILLS ON VARIOUS PROPERTIES

WHEREAS, as per Ordinance 1889-16, all users which discharge more than 120,000 gallons of domestic sanitary wastewater per annum, shall be charged a service charge for flow, and;

WHEREAS, any dispute as to the billing or charges or to the amount of the bill or calculation thereof, may be appealed, and;

WHEREAS, said appeal shall be in writing and shall include in sufficient detail, the relief sought, the evidence, information or documents to support the relief sought, and;

WHEREAS, as per the appeal process the proper supporting documentation was submitted and reviewed, and;

THEREFORE, the following charges on the below property has been waived or adjusted and/or a refund is due:

Block/Lot: 70.10 / 30
Original Amount: \$1,330.09
New Amount: \$0.00

Block/Lot: 113 / 9
Original Amount: \$364.94
New Amount: \$0.00

Block/Lot: 316 / 2
Original Amount: \$4,260.15
New Amount: \$3,696.15

Block/Lot: 42/5

Original Amount: \$3,424.09
New Amount: \$2,005.45
Refunded Amount: \$1,418.64

Block/Lot: 161/5.01
Original Amount: \$64.40
New Amount: 0.00

Block/Lot: 108/14
Original Amount: \$182.48
New Amount: \$0.00

Block/Lot: 141/14
Original Amount: \$654.76
New Amount: \$0.00

Block/Lot: 166/37
Original Amount: \$64.40
New Amount: \$0.00

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 234-2023

**MIDDLESEX COUNTY BOARD OF TAXATION JUDGMENT ON 2023 REVALUATION
APPEALS**

WHEREAS, as per N.J.S.A 54:3-21, where a municipal-wide revaluation or municipal-wide reassessment has been implemented, a taxpayer may file an appeal of a Revaluation Assessment by May 1, and;

WHEREAS, the owners of the below properties did file appeals by the May 1, 2023 deadline, and;

WHEREAS, Tax Appeals were filed with the Middlesex County Board of Taxation, and;

WHEREAS, The Middlesex County Board of Taxation issued judgements reducing the total 2023 revaluation assessments, and;

WHEREAS, the property owners will receive a credit to be applied to future property taxes, and;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of the Middlesex, County of Middlesex, and State of New Jersey that:

1. The Governing Body hereby approves the following credits be applied to future property taxes for the below properties based upon the Middlesex County Board of Taxation's Judgment reduction in the land and/or improvement value.
2. This resolution shall take place immediately.

Block	Lot	Appeal #	Land/Improvement	ReVal Assessment	Judgment	Adjustment	Total Credit 2023-2024
3	18	10-2300010	Improv.	207,800	183,800	24,000	\$793.08
7	20	10-2300015	Improv.	292,400	248,900	43,500	\$1,437.47
22.03	3.2	10-2300039	Improv.	415,900	373,400	42,500	\$1,404.42
22.04	3.37	10-2300006	Improv.	393,600	363,600	30,000	\$991.35
70	2.01	10-2300044A	Improv.	453,600	233,500	220,100	\$7,273.20
70.02	9	10-2300041	Improv.	322,100	297,100	25,000	\$826.13
82	14	10-2300020	Improv.	303,800	278,800	25,000	\$826.13
86.10	4	10-2300024L	Improv.	307,300	269,000	38,300	\$1,265.63
107	23	10-2300009L	Improv.	392,700	274,900	117,800	\$3,892.70
120	12	10-2300023L	Improv.	454,200	414,900	39,300	\$1,298.67
127	29	10-2300016	Improv.	356,800	210,300	146,500	\$4,841.10
167	33	10-2300014	Improv.	468,800	404,800	64,000	\$2,114.88
173	41	10-2300034L	Improv.	237,000	223,000	14,000	\$462.63
241	10	10-2300011	Improv.	218,500	135,500	83,000	\$2,742.74
248	2	10-2300030	Improv.	583,800	493,500	90,300	\$2,983.97

Block	Lot	Appeal #	Land/Improvement	ReVal Assessment	Judgment	Adjustment	Total Credit 2023-2024
248	3	10-2300031	Improv.	571,200	493,500	77,700	\$2,567.60
256	10	10-2300032	Improv.	307,300	236,900	70,400	\$2,326.37
258	20	10-2300036	Improv.	260,100	235,700	24,400	\$806.30
259	3	10-2300004	Improv.	1,603,600	1,203,000	400,600	\$13,237.83
264	12	10-2300005	Improv.	1,446,000	976,800	469,200	\$15,504.72
267	1	10-2300042	Improv.	560,600	464,500	96,100	\$3,175.62
285	33	10-2300026	Land	70,000	60,000	10,000	\$330.45
285	34	10-2300027	Land	70,000	60,000	10,000	\$330.45
285	35	10-2300028	Improv.	249,900	229,600	20,300	\$670.82
290	25	10-2300043L	Improv.	463,300	425,000	38,300	\$1,265.63
293	4	10-2300025	Improv.	437,300	369,400	67,900	\$2,243.76
301	37	10-2300035	Improv.	329,700	310,200	19,500	\$644.39
314	31	10-2300019L	Improv.	258,800	171,000	87,800	\$2,901.35
338	5.01	10-2300012	Improv.	490,000	438,400	51,600	\$1,705.13
349	5	10-2300033L	Improv.	1,833,600	1,100,000	733,600	\$24,241.82

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 235-2023

AUTHORIZING ADDED LIEN TAX FOR THE CLEAN-UP COSTS INCURRED FROM VIOLATIONS OF THE PROPERTY MAINTENANCE CODE

WHEREAS, Code violations, specifically 318-4 and 318-5, were determined to exist requiring the clean-up, removal of litter, loose debris, bagged garbage, cutting and removal of fallen trees, disposal of vegetation and cutting of lawn, and installing plywood to three (3) sections of the home that were accessible from the outside and;

WHEREAS, the responsible parties did not perform the work necessary to alleviate the violations. To provide for public health and safety, the Department of Code Enforcement engaged the services of outside vendors to perform the clean-up, maintenance and removal of debris; and,

WHEREAS, the Department of Code Enforcement has provided invoices from said outside vendors detailing the costs of clean-up and removal in the amount of \$10,486.00 (Exhibit A), and;

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey as follows:

1. The Tax Collector is hereby directed to place an Added Tax Lien. The lien will be billed against the August 2023 quarter taxes and the Collector will send out a bill upon notification of passage of this resolution and allow suitable amount of time consistent with tax billing for the payment of said amount without interest. At expiration of that time, interest will accrue at the level established in accordance with N.J.S.A. 54:4-67.
2. The following are the addresses and amounts authorized by this resolution:
Block: 283
Lot: 18
Address: 735 Drake Ave
Amount: \$10,486.00

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 236-2023

AWARDING THE CONTRACT FOR BIODEGRADABLE LEAF BAGS TO PABCO INDUSTRIES, LLC. IN AN AMOUNT NOT TO EXCEED \$15,930.00

WHEREAS, request for quotes were received June 14, 2023 for Biodegradable Leaf Bags;

WHEREAS, there were two (2) quotes received, quotes listed below:

- 1) Pabco Industries, LLC - \$15,930.00
- 2) Uline - \$15,996.38

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that:

1. Based upon the recommendation of the Department of Public Works Supervisor and the Purchasing Agent, the governing body hereby awards the contract for Biodegradable Leaf Bags to Pabco Industries, LLC. in amount not to exceed \$15,930.00.

NOW FURTHER BE IT RESOLVED, that the Treasurer hereby certifies that funds in an amount not to exceed \$15,930.00 are available in Account No's. G-02-16-770-000-110: \$8,100.00 (2023 Clean Communities Grant) & T-03-56-286-868-000 \$7,830.00 (Recycle Trust).

Caroline Benson, Treasurer

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 237-2023

APPROVAL TO ADVANCE POLICE OFFICER ROBERT DANGLER TO POLICE OFFICER CLASS "A" EFFECTIVE AUGUST 9, 2023 AT AN ANNUAL SALARY OF \$122,729

WHEREAS, Police Officer Robert Dangler is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On July 14, 2023 Chief Geist recommended Police Officer Robert Dangler be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Robert Dangler be and is hereby advanced in grade to Police Officer Class "A" effective August 9, 2023 at an annual salary of \$122,729.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 238-2023

APPROVAL TO ADVANCE POLICE OFFICER PAUL CERRETO TO POLICE OFFICER CLASS "A" EFFECTIVE AUGUST 9, 2023 AT AN ANNUAL SALARY OF \$122,729

WHEREAS, Police Officer Paul Cerreto is eligible for advancement in grade pursuant to Article XV of the Police Department Ordinance; and

WHEREAS, On July 14, 2023 Chief Geist recommended Police Officer Paul Cerreto be advanced in grade.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that Police Officer Paul Cerreto be and is hereby advanced in grade to Police Officer Class "A" effective August 9, 2023 at an annual salary of \$122,729.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 239-2023

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION - MUNICIPAL COURT
ALCOHOL EDUCATION, REHABILITATION AND ENFORCEMENT FUND**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$648.97, which item is now available as a revenue from the Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund in the amount of \$648.97;

BE IT FURTHER RESOLVED that the like sum of \$648.97 is hereby appropriated under the caption of "Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund"; and

BE IT FURTHER RESOLVED that the above is a result of a State Grant of \$648.97 from the Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 240-2023

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION - NATIONAL OPIOID
SETTLEMENT FUND**

WHEREAS, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex, County of Middlesex, hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$2,847.66, which item is now available as a revenue from the National Opioid Settlement Fund in the amount of \$2,847.66;

BE IT FURTHER RESOLVED that the like sum of \$2,847.66 is hereby appropriated under the caption of "National Opioid Settlement Fund"; and

BE IT FURTHER RESOLVED that the above is a result of a State Settlement Agreement of \$2,847.66 from the National Opioid Settlement Fund.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 241-2023

**AUTHORIZING THE PURCHASE OF DATA SWITCHES FOR BOROUGH HALL AND
THE POLICE DEPARTMENT IN THE AMOUNT OF \$7,362.72**

WHEREAS, the Borough of Middlesex wishes to purchase Data Switches for Borough Hall and the Police Department in the amount of \$7,362.72 from Hunter Technologies under NJ State Contract 21-TELE-01518; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

WHEREAS, Hunter Technologies is under NJ State Contract 21-TELE-01518 for data equipment; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the purchase of Data Switches for Borough Hall and the Police Department in the amount of \$7,362.72 from Hunter Technologies be and is hereby approved.

NOW FURTHER BE IT RESOLVED, The CFO hereby certifies that the funds in the amount not to exceed \$7,362.72 is available in the 2022 Capital Budget - IT Services, Account Number C-04-22-062-000-090.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 242-2023

AUTHORIZING THE MAYOR TO EXECUTE AN ESTOPPEL CERTIFICATE RELATING TO A FINANCIAL AGREEMENT BY AND BETWEEN THE BOROUGH AND CP MIDDLESEX URBAN RENEWAL LLC EXECUTED IN CONNECTION WITH A REDEVELOPMENT PROJECT ON REAL PROPERTY DESIGNATED AS BLOCK 318, LOTS 1.01 AND 1.02 ON THE OFFICIAL TAX MAPS OF THE BOROUGH

WHEREAS, on January 11, 2021, the Borough and CP Middlesex Urban Renewal LLC (the "**Entity**") entered into a Financial Agreement (the "**Financial Agreement**") related to the granting of a long term tax exemption in order to enhance the economic viability of and opportunity for a successful project consisting of the development, design, finance and construction of a warehouse building with office space, together with car and trailer parking on the Property, and the construction of utilities, driveways, parking, loading, street lighting, landscaping and other on and off-site improvements in accordance with the requirements of the Borough's Lincoln Boulevard Redevelopment Plan (the "**Project**") on certain real property located within the Borough, specifically Block 318, Lots 1.01 and 1.02 (f/k/a Block 318, Lots 4.02, 38.01 and 48) on the official tax map of the Borough (the "**Property**"); and

WHEREAS, pursuant to Section 9.01 of the Financial Agreement, the Entity requested that the Borough consent to the assignment of the Financial Agreement to 245 Mountain Ave Urban Renewal LLC ("**245 Mountain**"), an affiliate of Prologis, Inc., and by Ordinance No. 2096-23, duly adopted on July 25, 2023, the Borough authorized the assignment of the Financial Agreement from the Entity to 245 Mountain; and

WHEREAS, in connection with the conveyance of the Project by the Entity to 245 Mountain, 245 Mountain requested that the Borough deliver an Estoppel Certificate (the "**Estoppel Certificate**"); and

WHEREAS, the Mayor and Council, based upon the advice of Borough staff and its Special Redevelopment Counsel, and the delivery of various documents by 245 Mountain to the Borough, are desirous of approving the Estoppel Certificate.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, as follows:

1. The Mayor is hereby authorized to execute the Estoppel Certificate, in the form annexed hereto as Exhibit A, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.
2. The Borough Clerk is directed to forward executed copies of the Estoppel Certificate to the Borough Attorney and Special Redevelopment Counsel so that they may retain one (1) copy for their records and Special Redevelopment Counsel shall forward one (1) copy to the Entity. The Borough Clerk shall retain at least one (1) fully executed copy of the Estoppel Certificate on file in her office.
3. The Mayor and the Borough Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Borough, as deemed advisable by the Borough Attorney or Special Redevelopment Counsel.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 243-2023

TRANSFERRING OEM SURPLUS VEHICLE TO THE DEPARTMENT OF PUBLIC WORKS EFFECTIVE IMMEDIATELY

At the November 22, 2022 Council Meeting the Governing Body declared the OEM 1970 GPD Army Vehicle Vin #104D0671052519196 surplus. The Governing Body approves this vehicle be transferred to the Department of Public Works at this time.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 244-2023

ACCEPTING THE RESIGNATION OF BILL BOYLE AS FIRE SUBCODE OFFICIAL FOR THE BOROUGH OF MIDDLESEX

The Governing Body hereby accepts the resignation of Bill Boyle as Fire Subcode Official in the Borough of Middlesex effective July 27, 2023.

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 245-2023

HIRING OF MR. THOMAS S. KIRKLAND OF ENGLISHTOWN, NJ AS THE FIRE SUB-CODE OFFICIAL/FIRE INSPECTOR FOR THE BOROUGH OF MIDDLESEX AT THE ANNUAL SALARY OF \$13,728.00 PENDING A SATISFACTORY PHYSICAL AND BACKGROUND CHECK

WHEREAS, The Governing Body hereby approves the hiring of Mr. Thomas S. Kirkland as Fire Sub-Code Official/Fire Inspector for the Borough of Middlesex; and

WHEREAS, Mr. Kirkland will be paid an annual salary of \$13,728.00, pending a satisfactory physical and background check; and

WHEREAS, Mr. Kirkland's work week is based on six (6) hours per week, for two non-consecutive days per week

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Middlesex that the Governing Body hereby approves the hiring of Mr. Thomas S. Kirkland of Englishtown, NJ as the Fire Sub-Code Official/Fire Inspector for the Borough of Middlesex, at an annual salary of \$13,728.00, working 6 hours per week, for two non-consecutive days per week, pending a satisfactory physical and background check.

NON-CONSENT AGENDA/RESOLUTIONS

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 246-2023

PAY ALL CLAIMS

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

AGENDA WORKSHOP ITEM

PRIVILEGE OF THE FLOOR ON AGENDA WORKSHOP ITEMS

EXECUTIVE SESSION

Borough Clerk Linda Chismar read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

RESOLUTION 247-2023

EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

WHEREAS, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters including Lake Creighton - Potential Litigation, Public Safety, and Personnel - DPW, which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Conahan, Council President
SECONDER:	Jack Mikolajczyk, Councilman
AYES:	Conahan, Carnes, Dessino, Mikolajczyk, Quinn, Rex

Lake Creighton - Potential Litigation

Public Safety

Personnel - DPW

ADJOURNMENT

The next Regular Meeting will be August 22, 2023

Respectfully yours,

Linda Chismar, RMC
Borough Clerk